

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

MOTOROLA MOBILITY, INC., ET AL.	§	
	§	
VS.	§	CIVIL ACTION NO. 5:11CV-53(JRG)
	§	
TIVO INC.	§	

- **Pretrial Hearing**  
**RODNEY GILSTRAP, JUDGE PRESIDING**  
**April 23, 2013**

**OPEN: 9:00 am**

**ADJOURN: 12:16 pm**

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ATTORNEYS FOR PLAINTIFF:	See attached
ATTORNEY FOR DEFENDANTS:	See attached
LAW CLERK:	Jimmy Doan
COURT REPORTER:	Shelly Holmes
COURTROOM DEPUTY:	Becky Andrews

Case called. Mark Mann announced for Motorola/Time Warner, and General Instruments and introduced co-counsel. Sam Baxter announced ready for TiVo and introduced co-counsel.

Jury selection in this case is set for June 10, 2013 at 9:00 a.m. A second pretrial will be held on June 5, 2013 at 9:00 a.m. Trial will begin on Monday, April 8, 2013 and continue through Monday, April 15, 2013.

The parties will have 30 minutes per side for voir dire and 4 preemptory challenges. Eight jurors will be selected. The parties should contact the district clerk regarding the availability of the juror questionnaires. The questionnaires shall be returned to the district clerk after jury selection along with any copies.

The parties will have 15 hours per side for trial. Thirty minutes for opening statements and 40 minutes for closing arguments.

The Court will be available in chambers each morning of trial at 7:30 a.m. to take up any disputed issues regarding deposition clips and exhibits. Deposition clips shall be disputed the previous day.

Each morning the parties shall read into the record a list of the exhibits used and admitted the

previous day during trial.

Juror notebooks shall be provided for each of the eight jurors and two copies for the Court. The notebooks shall consist of the patents in suit, claim construction chart, a witness page for each witness with a picture of the witness and ruled lines for notes, and a 3-hole legal pad.

The Court expects each expert witness to stay within the scope of their report.

The parties are directed to continue working on their exhibit disputes and enter a joint submission of the final objections that will be argued at the final pretrial conference.

The Court asked for an overview of a motion that was carried from March.

9:24 - Tom Werner, for TiVo, gave an overview of the motion.

9:30 – Response by Mark Mann. The Court granted TiVo’s motion to compel.

9:32 – Morgan Chu argued TiVo’s motion to realign the parties.

9:36 – Response by Mark Mann.

9:47 – Rebuttal by Morgan Chu.

9:51 – Response by Mark Mann. The Court denied TiVo’s motion to realign and bifurcate. The trial will remain in Texarkana.

9:57 – Mark Mann argued Motorola/Time Warner’s motion for clarification of the Court’s order of March 27th.

10:01 – Response by Richard Birnholz. The Court gave the parties clarifications.

The Court will carry TiVo’s motion for continuance.

10:10 – Recess.

The Court will now take up Motorola/Time Warners motions in limine –

10:25 – Charles Verhoeven presented limine no. 1.

10:38 – Response by Joe Lipner.

10:47 – Rebuttal by Mr. Verhoeven.

10:50 – Final response by Mr. Lipner. The Court denied in part and carried in part.

10:52 – Robert Wilson presented limine no. 2.

10:59 – Response by Charles Verhoeven.

11:03 – Rebuttal by Mr. Wilson. The Court granted.

11:06 – Marissa Ducca presented limine no. 3.

11:14 – Response by Richard Birnholz.

11:17 – Rebuttal by Marissa Ducca. The Court denied in part and granted in part.

11:19 – Alex Rudis presented limine no. 4. The Court inquired as to why this limine is not a *Daubert* motion. The Court denied no. 4 as a limine and will take it up as a *Daubert*. For the record, the same with limine no. 5.

11:23 – Sean Cunningham presented limine no. 6.

11:27 – Response by Joe Lipner. The Court granted and denied in part.

11:31 – Sean Cunningham presented limine no. 7.

11:34 – Response by Joe Lipner. The Court granted limine no. 7.

11:40 – Charles Verhoeven presented limine no. 8.

11:48 – Response by Richard Birnholz. The Court denied the limine.

The Court will now take up TiVo's motions in limine.

11:51 – Richard Birnholz presented limine no. 1.

11:57 – Response by Sean Cunningham. The Court granted the limine.

12:00 – Joe Lipner presented limine no. 2.

12:07 – Response by Sean Cunningham.

12:13 – Rebuttal by Joe Lipner. The Court granted the limine.

12:15 – The Court will take up the remaining limines and disputed exhibits at the next pretrial. Court adjourned.